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October 24, 2012

**VIA EMAIL TO:**    [gaby@gawker.com](mailto:gaby@gawker.com)  
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Gawker Media  
210 Elizabeth Street, 4th Floor  
New York, New York 10012

**RE :        DMCA & LEGAL NOTICE RE STOLEN COPYRIGHTED VIDEO**

Dear Sirs and/or Madams:

We are counsel on behalf of John Huchel. A copy of our client's previously unpublished copyright protected video (the "Stolen Video") was unlawfully obtained by third-persons, and apparently provided to and posted online by you and/or your company/website.

My client owns all right, title, interest and copyright in the Stolen Video. My client, as the copyright owner of the Stolen Video, has not authorized you to reproduce, distribute, post or otherwise display copies of those materials. Any publication, reproduction or dissemination of the Stolen Video, or any part thereof, constitutes an infringement of my client's exclusive copyrights in violation of the U.S. Copyright Act, Title 17 of the U.S. Code Sections 106, et. seq., as well as various international copyright laws, and exposes you, and anyone else who uses, displays, publishes, disseminates any of the Stolen Video, to civil liability, damages, injunctive relief and reimbursement of all attorneys' fees and costs incurred by my client in connection with any copyright infringement action. Section 106 of Title 17 of the U.S. Code states, in pertinent part:

    "[T]he owner of copyright under this [Act] has the exclusive rights to ... (1) to reproduce the copyrighted work ... (3) to distribute copies ... of the copyrighted work to the public ... and (5) to display the copyrighted work publicly."

Any action inconsistent with, or in violation of, my client's rights as the copyright owner of the Stolen Video constitutes copyright infringement.

Specifically, we have become aware that you have used, published and distributed (collectively "publication" and/or "publishing") copies of the copyright protected Stolen Video on your herein referenced website (your "Website"), and/or the content of which is contained on your hosting servers. The Stolen Video is displayed, linked to, disseminated and/or published (collectively "display(ed)"), without authorization, at the URLs and URL property image locations on your Websites and/or servers set forth and listed in the below included Digital Millennium Copyright Act ("DMCA") Notice of Infringement. As further set forth below, we demand that you immediately remove from your Website and disable any further use of the Stolen Video.

### **DMCA NOTICE OF INFRINGEMENT**

I, the undersigned, certify under penalty of perjury that I am the agent authorized to act on behalf of the owner of certain intellectual property rights, reference above ("IP Owner"). I have a good faith belief that the materials identified hereto are not authorized by the above IP Owner, his agent, or the law and therefore infringe the IP Owner's rights according to state, federal and/or US law. You must act expeditiously to remove or disable access to the listed material or items claimed to be infringing, which appear on your Website(s)/servers and which posts, displays and/or disseminates the Stolen Video in violation of our client's copyright.

Infringed Work or Right: Copyright Violations of republication of a privately made video intended for private use without authorization and not subject to fair use.

Item/Material - Website/URL Location(s): The Stolen Video appears on your Website(s) at the following webpage urls and with/at the following image property urls:

<http://gawkr.com/5954494/justin-timberlakes-65-million-italian-wedding-featured-a-video-of-sad-la-vagrants-wishing-him-well>

Accordingly, based in part on the above stated facts and DMCA Notice, we demand that you (i) immediately remove the Stolen Video from your Website and/or servers, and any other websites, blogs, posting boards and any other outlet and systems that you own, control or operate, and (ii) cease and desist from any further use, display and/or publication of the Stolen Video, and any other unauthorized photos or video which are the property of my client.

In addition, upon your removal of the unlawful content as set forth above, we request that you thereafter immediately (i) update your Website so that your server returns a "404 (Not Found)" or "410 (Gone)" http status with regard to the Stolen Video and related post pages, and then (ii) utilize the Google Webmaster search engine page removal tools in order to update search results to remove cached copies and display of the removed content. To facilitate the process, we include the link to the Google Webmaster removal tools information pages:

<http://www.google.com/support/webmasters/bin/answer.py?hl=en&answer=164734>

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Should you continue to use, disseminate, display or otherwise exploit the Stolen Video after receipt of or knowledge of this letter and the included DMCA Notice, our client will have no alternative but to pursue all of his legal rights and remedies, which include, but are not limited to, taking legal action against you and any other operators and host providers of your Website.

This letter does not constitute a complete or exhaustive statement of all of our client's rights, claims, contentions or legal theories. Nothing stated herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of our client's rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

Yours truly,

JACOBSON, RUSSELL, SALTZ & FINGERMAN, LLP

A handwritten signature in blue ink, appearing to read 'M. Saltz', followed by a horizontal line.

MICHAEL J. SALTZ, ESQ.